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9 Attorneys for Petitioner Riel

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 CHARLES D. RIEL Case No. 2:01-cv-00507 LKK DAD (TEMP)
14 Petitioner,
15 vs.
16 WARDEN, San Quentin State Prison,
17 Respondent.
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20 Joan M. Fisher, Assistant Federal Defender Counsel for the Federal Defender of the
21 Eastern District of California, and appointed counsel for Petitioner CHARLES RIEL, pursuant to
22 28 U.S.C. section 1825(b)(1), hereby certifies that the non-expert fact witnesses listed below,
23 having appeared and testified pursuant to subpoenas approved by this Court, are entitled to fees
24 and mileage to be paid by the United States Marshal for the Eastern District of California. At the
25 request of the Marshal, the undersigned also requests that the Court approve this certificate.

26 On April 28, 2011, the following individual appeared on behalf of Petitioner as non-
27 expert fact witnesses in this case: Joseph Berger.

28 Certificate of Assistant Federal Defender
For Payment of Witness Fees

Riel v. Warden, 2:01-cv-00507 LKK DAD (TEMP)

Section 1825(b) of the Judicial Code provides that “[i]n proceedings in forma pauperis for a writ of habeas corpus . . . the United States marshal for the district shall pay . . . all fees of witnesses for the party authorized to proceed in forma pauperis” Where non-expert fact witnesses appeared “pursuant to subpoenas issued upon approval of the court,” the marshal shall pay the witnesses’ fees “on certificate of a Federal public defender or assistant Federal public defender” who represents the party authorized to proceed in forma pauperis. 28 U.S.C. § 1825(b)(1).

Petitioner in this case has been authorized to proceed in forma pauperis, and the Federal Public Defender has been appointed to represent him. The undersigned has been assigned to represent Petitioner.

Undersigned issued subpoenas to the witness named herein pursuant to the Court's orders granting an evidentiary hearing and directing that the testimony of Joseph Berger to be taken outside the courtroom.

Fact witness voucher have been prepared for the named witness, and undersigned signed the certificates thereon. However, the marshal typically requests a court order before paying the witnesses' fees.

WHEREFORE, undersigned respectfully requests that this Court approve this certificate and direct the Marshal to pay the fees.

Dated: May 16, 2011

Respectfully submitted,

ROBERT D. BACON

DANIEL J. BRODERICK
Federal Defender

/s/ Joan M. Fisher
JOAN M. FISHER
Assistant Federal Defender

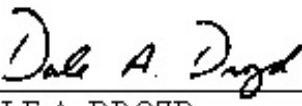
TIVON SCHARDL
Trial & Habeas Counsel

Attorney for Petitioner Charles Dell Riel

**Certificate of Assistant Federal Defender
For Payment of Witness Fees**

Riel v. Warden, 2:01-cv-00507 LKK DAD (TEMP)

1 APPROVED
2 DATED: May 25, 2011.

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4 DALE A. DROZD
5 UNITED STATES MAGISTRATE JUDGE

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Certificate of Assistant Federal Defender
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